



November 29, 2006

Reply to Attn of: DA01

TO: All Employees

FROM: DA01/David A. King

SUBJECT: MSFC's Policy Statements on Harassment and Diversity  
and Equal Opportunity

MSFC is committed to implementing NASA's policies on harassment and diversity and equal opportunity.

NASA's policy on harassment states that harassing conduct based on an individual's race, color, gender, national origin, religion, age, disability, sexual orientation, or status as a parent, regardless of whether it meets the legal standard for discriminatory harassment is prohibited at NASA. It is NASA's policy to address such conduct before it becomes severe or pervasive. Therefore, for purposes of this policy, harassing conduct is defined as unwelcome conduct, verbal or physical, based on any characteristic protected by law when the conduct either (1) has the purpose or effect of unreasonably interfering with work performance or otherwise adversely affecting the work environment, or (2) results in an employment decision affecting the employee based upon the employee's acceptance or rejection of such conduct.

I strongly support this policy and wish to emphasize that harassment, like other forms of discriminatory behavior, will not be tolerated. There are a number of established channels through which employees may raise the issues of harassment, including:

- Organization Supervisors and Managers
- Diversity and Equal Opportunity (D&EO) Office
- The Chief Counsel's Office
- Center Director
- The Assistant Administrator for Equal Opportunity Programs
- The NASA Administrator
- Agency internal grievance system
- Negotiated grievance procedures
- Office of Special Counsel, if a prohibited personnel practice is involved
- Merit Systems Protection Board, if an appealable adverse action is involved
- EO complaints system, if discrimination is alleged
- Agency Inspector General

If you are a Bargaining Unit employee, you have the option of contacting your respective union representative (i.e., AFGE Local 3434 or IFPTE, MESA Local 27) for additional information and/or representation.

With regard to NASA's policy on diversity and equal opportunity, all employees are encouraged to respect the value of diverse ideas, perspectives and experiences. I strongly support the effort to retain a diverse workforce of highly skilled employees in the competencies required to fulfill our mission for space exploration. Maximizing the potential of every employee is essential for MSFC to meet its overall strategic goals and objectives.

Enclosed for your information are the Center's policies on harassment and diversity and equal opportunity.

A handwritten signature in black ink, appearing to read "D.A. King". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David A. King  
Director

Enclosures

## MSFC POLICY STATEMENT ON HARASSMENT

It is Marshall Space Flight Center's (MSFC's) policy that harassment of any kind is prohibited. This applies to harassment by anyone, including supervisors, coworkers, and contractor personnel, in the workplace or at any activity sponsored by MSFC. Federal employees have a grave responsibility under the Standards of Conduct for Employees of the Executive Branch for maintaining high standards of honesty, integrity, impartiality, and conduct, to assure proper performance of the Government's business and the maintenance of confidence of the American people. Any employee conduct that violates this code cannot be condoned.

Harassment is any unwelcome or offensive conduct (sexual or non-sexual) based on an individual's race, color, gender, national origin, religion, age, disability, sexual orientation, or status as a parent and is unacceptable at NASA. It creates a work environment that undermines productivity and professionalism, and insults the dignity of workers. In addition to violating this policy, harassing conduct based on an individual's race, color, gender, national origin, religion, age, disability, sexual orientation, or status as a parent is also a violation of equal opportunity law, when the harassing conduct is sufficiently severe or pervasive such that it creates a hostile work environment or results in a "tangible employment action," such as hiring, firing, promotion, or demotion.

Sexual harassment is a type of harassment based on sex and is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unwelcome sexual overtures. Sexual harassment debilitates morale and interferes in the work productivity of its victims and co-workers.

For the purpose of this Policy Statement, sexual harassment includes activities such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In addition, this Policy Statement also specifically prohibits any unwelcome verbal comments, gestures, physical contact of a sexual nature, or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, regardless of the frequency or magnitude of such conduct, in a work related environment.

There are three basic forms of sexual harassment prohibited by this Policy Statement:

**Verbal** – Unwelcome suggestive remarks, sexual insults, innuendoes, jokes, and humor about sex or gender-specific traits, sexual propositions, or threats;

**Nonverbal** – Unwelcome suggestive or insulting sounds, leering/ogling, whistling, obscene gestures, and obscene graphic materials; and

**Physical** – Unwelcome cornering, touching, pinching, brushing the body, and actual or attempted rape or assault.

In addition, a supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner in the process of conducting agency business is engaging in sexual harassment.

Finally, any employee who engages in harassing activities is subject to disciplinary actions, which may include removal from Federal service. Managers and supervisors who tolerate such behavior, or who fail to take appropriate action in a timely manner to end such behavior, are also subject to disciplinary action.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance. Examples of prohibited personnel practices include the taking or refusal to take a personnel action based on an employee's response to sexual advances, including promotion of employees who submit to sexual advances, or the refusal to promote employees who resist or protest sexual overtures.

It is the Center's policy that harassment of any kind, whether sexual or non-sexual, is unacceptable and will not be condoned in the workplace. This policy applies to all employees and covers harassment between supervisors and subordinates, between employees, by employees outside the workplace while conducting government business, and by non-employees while conducting business on government premises. It is important that all employees understand the requirements covering harassment. Employees should take all steps within their power to ensure that harassment, and any other form of discrimination, do not exist at the Center.

**Marshall Space Flight Center**  
**Policy Statement on Diversity and Equal Opportunity**

Marshall Space Flight Center (MSFC) is committed to diversity and equal opportunity. Maximizing the potential of every employee is essential for MSFC to meet its full potential and to succeed in our mission. MSFC is committed to an environment that embraces open and effective communication, teamwork, and mutual respect for each other. MSFC will seek to retain a diverse workforce of highly skilled employees in the competencies required to fulfill our mission for space exploration.

MSFC encourages a culture that promotes understanding and appreciation of diverse culture and ethnic backgrounds. MSFC encourages and values diverse ideas. MSFC acknowledges the benefits for innovation and excellence that such diversity contributes. MSFC will provide a workplace that is safe and free from all forms of illegal discrimination, including harassment (sexual and nonsexual), reprisal, and retaliation. Where needed and appropriate, reasonable accommodations will be readily available for employees of MSFC and others with disabilities who participate in our educational and related programs.

All MSFC managers and supervisors are expected to treat all employees and others with whom they work with respect and dignity. All employees should understand, respect and act in accordance with the equal opportunity rights and responsibilities. Managers and supervisors are expected to lead by example to ensure the MSFC workplace culture and environment is free from discrimination. All of us at MSFC should treat others with respect, fairness, and dignity just as we expect to be treated.

For more information visit the MSFC Equal Opportunity Office website at <http://eo.msfc.nasa.gov/>.